



8 November 2019

Dear Ms. Stovall,

Shelby County School's (SCS) board of education (SCBE) erred in revoking Southwest Early College High School's (SECHS) charter agreement under the Tennessee Public Charter Schools Act, § 49-13-122 for four reasons: (1) SECHS corrected any and all special needs/special education services concerns; (2) Teacher vacancies have never been grounds to terminate a charter; (3) Termination of a partnership has never been grounds to terminate a charter; and (4) SCS failed to provide any assistance or give SECHS an opportunity to cure its alleged deficiencies.

(1) SECHS CORRECTED ANY AND ALL SPECIAL NEEDS/ SPECIAL EDUCATION SERVICES CONCERNS;

SECHS recognizes that four students with IEPs did not receive the full complement of services from August 5 - September 9. This was due to three compounding circumstances that we remedied with the SCS Department of Exceptional Children. (1) Multiple students who required special education services were still enrolling at SECHS between our first day of school, August 5, through August 21. Though our special education team can view students who transfer from SCS schools in EasyIEP the day they transfer, it takes time to meet with parents to hold IEP meetings due to 10 day mandatory notice and ensure the services that are written in the IEPs are correct and/or appropriate for high school. (2) Two students involved transferred to SECHS from the ASD on August 5. According to our District EasyIEP representative, "Once [these students'] records transfer, an IEP or IEP addendum will need to be completed within 30 days to establish a SCS IEP." Their IEP meetings were held in August, which meets this timeline, and during those meetings it was decided that these students should be on the Alternate Academic Diploma track. It was also decided that these students should receive compensatory services due to the demands of this diploma track and since the IEP meetings were held after they had started at SECHS. A plan for compensatory services was developed alongside and approved by our special education liaison from SCS. (3) SECHS administration decided to push the start of school back by one week -- from August 5 to August 12 -- for 10th and 11th graders due to support staff shortages, the fact that college courses did not start until August 26, and the fact that SCS's first day of school was August 12.¹ Eleventh graders had between 2-4 dual enrollment college classes as a part of their schedules, so they were only required to be at school for half days between August 12-23. This also required two 11th graders with IEPs to require compensatory services, which was determined and approved at the same time as the 9th graders on the AAD track. Only two students who required compensatory services remain at SECHS. Their services are on track for completion by the end of this semester.

(2) TEACHER VACANCIES HAVE NEVER BEEN GROUNDS TO TERMINATE A CHARTER;

SECHS has experienced vacancies in various courses throughout the first quarter of the school year -- which is common in schools throughout Shelby County -- but we are on track to have all teachers certified or permitted by the end of the fall semester. As the start of the school year approached last summer, we had 10 of 13 teaching

¹ During the investigation phone call on September 4, SCS's investigation team determined that the delay in SECHS's start of school and half days for 11th graders did not impact the required 180 instructional days due to extra time built into SECHS's daily schedule.

positions filled with certified teachers. During summer professional development, three teachers resigned. This left SECHS with vacancies in six of its 13 teaching positions. SECHS immediately began recruiting to fill the vacancies, but school administration could not find qualified, licensed teachers the week before school began. While continuing to identify licensed teachers, SECHS has deployed three strategies to fill vacancies.² (1) SECHS contracted with EnrichED Schools to ensure high-quality substitute teachers; these individuals usually have advanced degrees and/or experience in education. SECHS administration surveys students to ensure only the best are retained. (2) SECHS contracted with Proximity Learning to provide algebra 2 and geometry instruction until a full-time, licensed teacher was hired to teach both subjects. Our school principal served as director of instruction for science and mathematics through the first quarter of the school year; he is a licensed math teacher and taught the geometry class until Proximity Learning was in place. (3) SECHS administration identified individuals who demonstrated an interest in education and expertise in specific content areas. These individuals enrolled in SCS-approved education preparation programs and were offered teacher positions *contingent upon* passing the appropriate content-area Praxis test(s). Until these individuals meet the requirements to apply for an emergency teaching permit in Tennessee, they are employed as substitute teachers only. SECHS administration ensures that all substitutes meet requirements under State statute and local board policy. Also, per state statute and local board policy substitutes are not required to be certified.

(3) TERMINATION OF A PARTNERSHIP HAS NEVER BEEN GROUNDS TO TERMINATE A CHARTER;

This is not a violation of SECHS's charter agreement. However, Artesian's board recognizes the importance of a college partner to SECHS's ability to ensure its unique benefits to Memphis students and is negotiating with three higher education institutions. Additionally, as a show of good faith, in a voluntary corrective action plan that SECHS created and shared with the SCBE on October 29, Artesian's board chair concluded, "**We will enter a formal partnership with at least one college by the beginning of the summer. Additionally, if this is not achieved, we will voluntarily close our school before the start of the 2020-21 school year.**"

(4) SCS FAILED TO PROVIDE ANY ASSISTANCE OR GIVE SECHS AN OPPORTUNITY TO CURE ITS ALLEGED DEFICIENCIES.

We recognize the severity of the allegations and the importance of a swift investigation, but the aforementioned were not ongoing issues for SECHS; they were short-term issues that were actively addressed by SECHS with support from the Artesian board. SECHS did not hide or falsify information; administration kept all stakeholders apprised of issues as they were known. SCS reviewed evidence and came to a conclusion to revoke SECHS's charter over an extremely short period of time (September 5 - 18), without a request for additional clarity or a corrective action plan.

No one from SCS gave SECHS an opportunity to correct its alleged deficiencies. In fact, September 30, 2019 was the first and only time this school year that anyone from SCS visited SECHS for more than one hour. Interestingly, September 30, 2019 was at least 12 days after SCS recommended revocation of SECHS's charter. Moreover, it is undisputed that no one from SCS provided SECHS with any type of assistance as required by Charter School Agreement Section 10 (a) (i) and Exhibit E dated August 11, 2016.

² Due to significant student attrition since August 28, SECHS requires only ten teaching positions through the end of the 2019-20 school year. Some teachers are teaching two courses.

Two of the issues (teacher vacancies and STCC terminating its partnership) may have been compounded by SCS's public communications about the investigation and harsh allegations of "material violations & egregious acts of malfeasance" without providing evidence. Lastly, and confusingly, the SCBE acknowledges that revoking SECHS's charter will mean that 86% of the students would transfer to Shelby County high schools with lower school performance scorecard scores and would receive an inferior education. This is an error in process and choice.

We trust that your thorough investigation into these matters will conclude that the allegations against SECHS are either unfounded, not based on complete information, or not grounds to revoke SECHS's charter, and we ask that SECHS's charter be reinstated.

Sincerely,



Sharon Jones,
Artesian Schools, Inc. Board Chair

The following timeline highlights major events leading up to the hasty OCS investigation and the SCBE's vote to revoke SECHS's charter. SECHS lost 87 students from Aug 28 - Nov 1.

- **Aug 20-23:** Two former parents file complaints to the Office of Charter Schools (OCS). Both complaints are responded to by SECHS within 5 business days with requests for next steps--no further follow up or expression of concern is provided from SCS.
- **Aug 27:** Aforementioned former parents speak during public comment at the SCBE meeting, stating the same concerns that SECHS responded to through the OCS.
- **Aug 28:** A SEED representative stops by SECHS for one hour to retrieve documentation of SPED services. This visit was initiated by administration at SEED, not OCS.
- **Aug 30:** OCS emails SECHS administration at 12:09 PM requesting documentation for an official investigation spearheaded by the Superintendent. Materials are due in 1.5 business days, at 5:00 PM on Sept. 3. SECHS's CEO provides requested documentation on time.
- **Sept 4:** OCS hosts a two-hour phone call with representatives from SCS and SECHS administration.
- **Sept 9:** [Investigation is incomplete, but] SECHS parents are contacted by SCS with information on how to enroll in other SCS schools.
- **Sept 18:** SECHS administration and parents are notified that the OCS has recommended that SECHS's charter be revoked.
- **Sept 30:** OCS visits SECHS as a "checkpoint." Does not provide any feedback nor guidance into allegations or any other matter. OCS provides SECHS administration with School Closing Impact Report and Investigation Findings **7 days later than Board policy allows.**
(No one from SCS, nor SCBE members, visits SECHS again prior to the board vote on Oct. 29.)
- **Oct 3 & 5:** SCS hosts info sessions, *only for SECHS parents*, to learn about other school options and how to transfer.
- **Oct 8 - Oct 29:** SCS alleges SECHS committed "material violations and egregious acts of malfeasance."
- **Oct 28:** SCBE holds a hearing on SCS' recommendation for the immediate closure of SECHS.
- **Oct 29:** SCBE votes 5-3 to revoke SECHS's charter at the end of the school year, amended from the previous recommendation for immediate closure.